

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

LEONARD RAY DARDEN

PLAINTIFF

v.

CAUSE NO. 1:23-CV-74-SA-DAS

SOUTH ATLANTIC LLC

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

On May 16, 2023, Leonard Ray Darden filed his Complaint [1] against South Atlantic LLC, alleging that South Atlantic unlawfully terminated his employment. Darden also filed a Motion to Proceed *In Forma Pauperis* [2].

On May 25, 2023, the Court entered a Show Cause Order [4] expressing jurisdictional concerns. For example, the Court noted that Darden cited no federal statute to support federal jurisdiction, in addition to noting that the Complaint [1] indicates that Darden did not file an EEOC Charge prior to filing the lawsuit. In his Response [6], Darden essentially restated the same allegations articulated in the Complaint [1] and did not address the jurisdictional concerns raised in the Show Cause Order [4].

Therefore, on June 15, 2023, Magistrate Judge Sanders entered a Report and Recommendation [7], recommending that the Motion to Proceed *In Forma Pauperis* [2] be denied and the case be dismissed. After providing this recommendation, the Report and Recommendation [7] set forth the procedure for Darden to file an objection if he desired to do so. Darden has filed no such objection, and his time to do so has now passed.

“With respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record.”

Gauthier v. Union Pac. R.R. Co., 644 F. Supp. 2d 824, 828 (E.D. Tex. 2009) (citing *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996)).

The Court has reviewed the Report Recommendation [7] and the record as a whole. Having done so, the Court agrees with Magistrate Judge Sanders’ recommendation. Darden has failed to provide an explanation as to how this Court has jurisdiction over his claims.

Darden’s Motion to Proceed *In Forma Pauperis* [2] is hereby DENIED, and his Complaint [1] is hereby DISMISSED. This CASE is CLOSED.

SO ORDERED, this the 7th day of July, 2023.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE